

0001

LAW OFFICES OF
VAN COTT, BAGLEY, CORNWALL & MCCARTHY
A PROFESSIONAL CORPORATION
SUITE 1600
50 SOUTH MAIN STREET
SALT LAKE CITY, UTAH 84144
TELEPHONE (801) 532-3333
FACSIMILE (801) 534-0058
TELEX 453149

DENISE A. DRAGOO

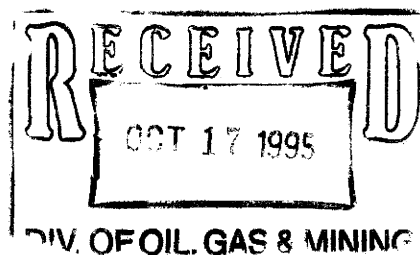
Direct Dial
(801) 237-0465

ADDRESS ALL CORRESPONDENCE TO
POST OFFICE BOX 45340
84145-0450

HAND DELIVERED

October 17, 1995

Vickie Bailey
UTAH DIVISION OF OIL, GAS & MINING
3 Triad Center, Suite 350
355 West North Temple
Salt Lake City, Utah 84180-1203



RE: NOTICE OF VIOLATION NO. N95-39-2-2, NO. 2 OF 2

Dear Vickie:

On behalf of Nevada Electric Investment Company, we respectfully request an informal conference to review the fact of violation of NOV No. 95-39-2-2, No. 2 of 2, copy enclosed. We would appreciate scheduling this informal conference prior to the expiration of the abatement period which is currently set for November 6, 1995.

Thank you for your assistance regarding this matter.

Very truly yours,

A handwritten signature in black ink, appearing to be "Denise A. Dragoo".

Denise A. Dragoo

DAD:jmc:87672

Enclosure

cc: Lowell Braxton
Joe Helfrich
Daron Haddock
Richard Hinckley, Esq.
Dennis Schwer
Dan Longworth
Steve C. Henry, Esq.

Post-It™ brand fax transmittal memo

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STATE OF UTAH
NATURAL RESOURCES
Division of Oil, Gas & Mining

3 Triad Center • Suite 350 • Salt Lake City, UT 84180-120

To <u>Joe H</u>	From <u>SJD</u>
Co.	Co.
Dept.	Phone #
Fax #	Fax #

of 2

NO. N 95-39-2-2

To the following Permittee or Operator:

Name Nevada Electric Investment Company (NEICO)Mine Wellington Prep Plant ☐ Surface ☐ Underground ☒ OtherCounty Carbon State Utah Telephone (801) 687-9813Mailing Address P.O. Box 1201 Huntington Utah 84528State Permit No. ACT/007/012Ownership Category ☐ State ☐ Federal ☒ Fee ☐ MixedDate of inspection April 5, 1995Time of inspection 08:30 ☒ a.m. ☐ p.m. to 04:00 ☐ a.m. ☒ p.m.Operator Name (other than Permittee) Patrick Collins Mt. Nebo Scientific (consultant)Mailing Address P.O. Box 337 Springville, Utah 84663

Under authority of the Utah Coal Mining and Reclamation Act, Section 40-10-1 et seq. Utah Code Annotated, 1953, the undersigned authorized representative of the Division of Oil, Gas & Mining has conducted an inspection of above mine on above date and has found violation(s) of the act, regulations or required permit condition(s) listed in attachment(s). This notice constitutes a separate Notice of Violation for each violation listed.

You must abate each of these violations within the designated abatement time. You are responsible for doing all work in a safe and workmanlike manner.

The undersigned representative finds that cessation of mining is ☐ is not ☒ expressly or in practical effect required by this notice. For this purpose, "mining" means extracting coal from the earth or a waste pile, and transporting it within or from the mine site.

This notice shall remain in effect until it expires as provided on reverse side of this form, or is modified, terminated or vacated by written notice of an authorized representative of the director of the Division of Oil, Gas & Mining. Time for abatement may be extended by authorized representative for good cause, if a request is made within a reasonable time before the end of abatement period.

CERTIFIED MAIL **Z 254 438 028**

Date of service/mailling April 6, 1995Time of service/mailling 12:00 ☐ a.m. ☒ p.m.

Patrick Collins
Permittee/Operator representative

Operator Representative (Agent)
Title

Mailed from DOGM Price Office
Signature

Stephen J. Demczak
Division of Oil, Gas & Mining representative

Reclamation Specialist
Title

Stephen J. Demczak
Signature

#39
Identification Number

SEE REVERSE SIDE

WHITE-DOGM YELLOW-OPERATOR PINK-OSM GOLDENROD-NOV FILE

notice of violation

UTAH
NATURAL RESOURCES
Oil, Gas & Mining

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NOTICE OF VIOLATION NO. N 95-39-2-2Violation No. 1 of 2

Nature of violation

Failure to include designs for placement of coal mine waste at
course refuse pile.

Provisions of act, regulations or permit violated

R645-301-536

Portion of operation to which notice applies

Course refuse pile

Remedial action required (including any interim steps)

- a) No placement of additional refuse or other material on course
refuse pile until designs are approved by division.
- b) Submit designs to comply with R645-301-536 including slope design,
static safety, and lift intervals.

Abatement time (including interim steps)

Submit plans and be approved by the Division by May 8, 1995.

UTAH
NATURAL RESOURCES
Oil, Gas & MiningPage 3 of 3NOTICE OF VIOLATION NO. N 95-39-2-2Violation No. 2 of 2

Nature of violation

Failure to maintain slopes of 2H:1v.

Provisions of act, regulations or permit violated

R645-301-536.800R645-301-553.250

Portion of operation to which notice applies

Outslope of course refuse pile on the railroad trackside.

Remedial action required (including any interim steps)

Grade slope not to exceed 2H:1v.

Abatement time (including interim steps)

Complete by May 8, 1995.